

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.29065 of 2008
MUNNA KUMAR SAH @ MUNNA SAH
Versus
STATE OF BIHAR

4 15.10.2008 Heard learned counsel for the petitioner, learned counsel
for the informant and learned A.P.P. for the State.

Petitioner is in custody in connection with Majorganj P.S.
Case o. 136 of 2007 (G.R. No. 2054 of 2007) for offences under
sections 366, 366A & 376 of the Indian Penal Code.

Contention of learned counsel for the petitioner is that it
was a case of love affair and the petitioner had entered into
matrimony with the girl and there is evidence to show that there was
a kind of affair between the petitioner as well as the victim girl. But
unfortunately for the petitioner, the statement made by the victim girl
under section 164 Cr.P.C. does not support the line of defence or
the reasoning being urged at the bar. It is a case where a minor
almost 16 years of age has been physically lifted at the point of gun,
later carried away to some cave nearby and then raped. If this is so,
then it is difficult for the court to believe that it is a case of love affair
and not a case of commission of crime in question

In that view of the matter, the court is not inclined to
enlarge the petitioner on bail.

The regular bail application of the petitioner is rejected.

Rajeev/

(Ajay Kumar Tripathi, J.)